

H 3154

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Union has no operational missile system capable of a super-depressed trajectory strike. But, as we deploy the first phase of SDI—which excludes a terminal defense, a window of opportunity may open if we let down our guard.

The Soviet Union has moved away from deploying ballistic missile submarines off the Atlantic and Pacific coasts of the United States. Instead it has moved toward stationing its SLBM force closer to its own shore often under the Arctic ice with boring equipment. But Soviet strategy has never been static; rather, it has been responsive to opportunities. If we concentrate solely on boost phase and mid-course intercept, it will open a window of opportunity for depressed trajectory SLBM launches and increased reliance on ballistic and cruise missile carrying submarines operating closer to U.S. coastlines. Weapons launched from this range—500 to 1,000 miles—would not be threatened by the two-layered architecture approved by the Pentagon.

The purpose of the amendment is twofold and is fully supported by the Navy: First, it puts the Soviet Union on notice that we will not look favorably on future testing of "destabilizing" systems by the Soviet Union; and, second, it requires the CIA to specifically monitor Soviet compliance with this measure. If it is found that the Soviet Union tests any system in a severely depressed trajectory mode, the United States can take the appropriate action.

While this measure falls within the realm of arms control, it does not interfere with any ongoing negotiations. I have consistently opposed attempts by Congress to legislate arms control policy. This is particularly true when such attempts have a direct bearing on current negotiations. A "yes" vote for Nagle-Dornan is a positive step in arms control.

Mr. DICKINSON. Mr. Chairman, I yield 5 minutes to the gentleman from Arizona [Mr. KYL].

(Mr. KYL asked and was given permission to revise and extend his remarks.)

Mr. KYL. Mr. Chairman, it is not often that I disagree with my colleague, the gentleman from California [Mr. DORNAN], but on this I must.

First of all, on the grounds that our ranking member, the gentleman from Alabama [Mr. DICKINSON], has pointed out: not now, not here.

This amendment should not have been brought to the floor of the House to be debated for the first time under restrictions that prohibit us from discussing extremely sensitive information.

Now, I am certain that my colleague, the gentleman from Iowa, is being totally candid with us when he describes very succinctly, without going into full detail, what he was briefed upon by the CIA; but everybody here understands that we are precluded from dis-

cussing a great many things that ought to be discussed in connection with this particular amendment. We know, for example, there are significant disagreements. The DIA and the CIA have significant disagreements about matters very close to this particular subject. The DIA believes that there is a certain Soviet weapons system that is about ready for deployment, that we had ought to be able to discuss in the context of this particular debate, and we cannot.

There are a great many things that need to be discussed and brought out with respect to this question of verifiability that cannot be brought out in the context of this debate on the floor of the House where it has never been discussed before the House Armed Services Committee and where we need an opportunity to be able to cross-examine the people from the intelligence community.

I do not think it is ever a good idea to have just one agency, the CIA in this case, be the certifying agency.

Here is another matter with respect to verifiability. As my colleague, the chairman of the Armed Services Committee I am sure would attest, there are many times when we do not dare bring out the fact that we are aware that there may be a problem, that there may have been violation. In other words, we cannot disclose the fact that we are aware of something because the mere fact of disclosing it would itself reveal something that we cannot have revealed. That is one of the reasons that we cannot go to the commissions on treaties with the Soviet Union and bring up the fact that we are aware of a violation, because to do that very thing would be to disclose means of verification that we do not want to disclose.

So the amendment is not providential at this time.

Now, a third point. This amendment is very destabilizing at this point in time. There is nothing stabilizing about an arsenal of nuclear weapons that cannot be tested. It is very clear that we ought to be able to test this kind of weapon in the future, if nothing else to understand how we may be able to destroy it. If the Soviets have tested it, as we are informed, if they have this kind of capability as a part of the SDI, if nothing else, we need to be able to know whether or not we can destroy this kind of a system, and you cannot know whether you can destroy it, obviously, unless you test the weapon.

Where did the numbers come from? I am informed that people in the Air Force have run some of these numbers, such as the formula in the bill, and feel there may have been a mistake. Why are we legislating numbers like this formula of .015(.323R+316)? There may be one or two Members in this body who understand what that particular formula means, and yet in just a couple minutes we are going to ask all our colleagues to come in here

and vote on this amendment, when they do not have the foggiest notion of what it is.

Would it not be more responsible to present the amendment to the Committee? There is plenty of time to do it. There is plenty of time. If my colleagues suggest that we do not have any plans to test within the next year, then what harm does it do?

If the gentleman will answer that question, I would be happy to yield to my colleague, the gentleman from Iowa.

What harm does it do to wait until next year when we have an opportunity to bring this before the Committee, to have the debate, to discuss it with our intelligence experts, if we are not testing it anyway?

□ 1510

Mr. NAGLE. Mr. Chairman, will the gentleman yield?

Mr. KYL. Mr. Chairman, I am happy to yield to the gentleman from Iowa.

Mr. NAGLE. Mr. Chairman, the advantage of not waiting is the fact that this was first proposed 10 years ago, and we have waited. The disadvantage of waiting is that the Soviets would start to develop that technology and that capability, and SDI as presently conceived is by definition obsolete.

Mr. KYL. Mr. Chairman, I will reclaim my time.

Mr. NAGLE. If the gentleman will allow me to answer his question, I would be happy to do so.

Mr. KYL. Mr. Chairman, I will reclaim my time.

Mr. NAGLE. Obviously not.

Mr. KYL. Mr. Chairman, I would point out first of all that my colleague the gentleman from Iowa [Mr. NAGLE] is the one who said this never was presented before a legislative body. This has not been presented before us.

Second, if the Soviets do test it, then under your amendment we have the capability of testing it. I do not think either of those two reasons hold water. Please give me another one.

Mr. NAGLE. If the gentleman will yield, I can understand, and I am sure the gentleman from Arizona is not aware that not only are we currently not testing a depressed trajectory missile, we are not even doing research on it. So if we do not start down that road, and if the Soviets do not start down that road, we are frozen where we are.

Mr. KYL. Then what do we need the amendment for, I ask the question?

Mr. NAGLE. If the gentleman would yield further, I realize this is something new, and it is hard to understand, but it is still valid.

Mr. ASPIN. Mr. Chairman, I yield 1 minute to the gentleman from Oklahoma [Mr. McCURDY].

Mr. McCURDY. Mr. Chairman, I rise in support of the Nagle-Dornan amendment because it serves as a signal to the Soviet Union that they

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that is destabilizing in the extreme because its only purpose is a first strike.

It is a December 7, 1941, sneak attack weapon. As my cosponsor, the gentleman from Iowa [Mr. NAGLE], who is the initiator of this amendment, showed on this chart, it puts at risk all of these B-1 bombers. There are 99 of them. We lost 1 because of a tragic accident, but those 99 B-1's—we only picked up the last one last month and they will be all combat ready within a year—need time to get off the runways. What we have done with the Nagle-Dornan amendment is to pick a 7-minute factor from the time of launch from a submarine off the Atlantic or the Pacific coasts until a nuclear weapon impacts on one of the four B-1 bases. These bases were put in the center of the country deliberately to give them some more escape time from Soviet launched missiles. Those bases are in North Dakota, South Dakota, Kansas, and Dyess, TX. The idea is to keep them as far away from the coasts as possible.

We have millions of dollars of construction money for the B-2 bomber, the Shadow, the Stealth, at Whiteman Air Force Base in Missouri. Again to keep it near the Mississippi, the spine of our country, as far away from Soviet launched submarine missiles as we possibly can.

Now, there is one area where there is always agreement between liberals and conservatives, between our executive branch and arms controllers in every nation. Gorbachev, even his Stalin-loving opponent, Ligachev, agree that neither side wants an accidental war. That is why we have no controversy or conflict when it comes to the teletype system, the so-called red phone, on which no voice contact takes place. In spite of Dr. Strangelove 25 years ago, there is not going to be a President or a General Secretary getting on the phone and saying, "Dmitri, a naughty thing has happened," as the President was supposed to have said in *Strangelove*. That is all teletype stuff.

But we all agree that each side wants to be ready during a period of crisis if something ugly is going to happen.

Well, this is the next closest thing to total agreement on not having an accidental war. We know we are never going to strike the Soviet Union in a sneak attack first strike.

We would like to think that under this modern new General Secretary that they will get away from their planning for first strikes.

Let us strangle this depressed trajectory, sneak attack, destabilizing, first-strike weapon in the crib, something on which both sides can agree.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. DORNAN of California. Mr. Chairman, I have two distinguished leaders seeking recognition. Let me go to my own side first, to our distinguished leader.

Mr. Chairman, I yield to the gentleman from Alabama [Mr. DICKINSON].

Mr. DICKINSON. Mr. Chairman, I do not mind yielding the gentleman some additional time, if he needs it.

If this is such a good amendment, such a good idea, why did the gentleman not come to the committee with it and let us have hearings and develop the thing? Why is it dropped on the floor in the full House and expect us all to understand it? I do not understand this.

There is no reason that it could not in the regular process, regular order, be presented to the committee, have hearings and be reported out if it is a good thing.

Nobody here understands this. It is just unfair to ask the Members to make a decision on something this complicated when it is a matter of first aggression.

Mr. DORNAN of California. This, I think, Mr. Chairman, is the only fair challenge to the amendment. But I think because it is not all that complex, because it is easily understood, it is going to pass.

Now, I will resign from three committees and four task forces if the gentleman will take me on his committee, come to the gentleman's bosom. If I am made a member of the Armed Services Committee, this will never happen again, I promise that.

The gentleman from Iowa [Mr. NAGLE] came to me with an excellent idea.

Mr. DICKINSON. Mr. Chairman, if the gentleman will yield, I am not sure I understood. The gentleman will resign from what?

Mr. DORNAN of California. Three committees and four task forces.

The CHAIRMAN pro tempore. The time of the gentleman from California has expired.

Mr. ASPIN. Mr. Chairman, I yield 1 additional minute to the gentleman from California.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. DORNAN of California. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I am supportive of the Nagle-Dornan amendment.

One thing I do think we need to make clear here is that they can verify whether either side is in fact launching a depressed trajectory.

Now, is the gentleman satisfied that that is the case?

Mr. DORNAN of California. Those of us in this Chamber—and that includes almost everybody in this room who is interested in this debate—know the difference between a long-range intercontinental ballistic missile in the ionosphere, without much atmosphere or resistance, compared to a depressed trajectory, or a missile going through heavy atmosphere, much as we see meteors burn up at night. A great deal of research and testing of the warheads is necessary so it can push its way through the heavy air closer to the at-

mosphere and reach one of our B-1 or B-2 bases in less than 7 minutes.

Mr. DICKS. Mr. Chairman, if the gentleman will yield further, we have the national technical means to spot that in the testing phase, is that not correct?

Mr. DORNAN of California. There is a school of thought that says anything can be tested on a computer. I think most of us disagree with that.

The CHAIRMAN pro tempore. The time of the gentleman from California has again expired.

Mr. ASPIN. Mr. Chairman, I yield 1 more minute to the gentleman from California.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. DORNAN of California. I yield again to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, the gentleman was saying that he believes we have the national technical means so that if the Soviets were in fact testing in a depressed trajectory that we would have complete confidence that we would be able to see that and ascertain it, so that we would then be free of this amendment if in fact we did conduct the test.

Mr. DORNAN of California. You can design almost anything on a computer. The Edsel was designed on a computer. We should have tested it again.

Mr. DICKS. I am talking about our satellite capability.

Mr. DORNAN of California. Oh yes.

Mr. DICKS. With our national technical means?

Mr. DORNAN of California. Yes.

Mr. DICKS. Because one thing we would not want is to have the Soviets able to do this kind of testing and then us be bound by the Nagle-Dornan amendment.

Mr. DORNAN of California. Our NTN is capable of detecting testing.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. DORNAN of California. I yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I think the gentleman has done a service to the House by bringing the amendment up. I simply have questions that have not been answered.

Do we have the national technical means to detect Soviet depressed trajectory launches?

I would like to be able to cross-examine some of our intelligence people on that. I think that is the problem with this amendment. I think the gentleman otherwise has done a real service to bring it up.

Mr. DORNAN of California. We have the time between now and a conference committee to do that.

Depressed trajectory weapons are designed to abet a first-strike strategy. While the United States strategic deterrent is based on a retaliatory force structure, the Soviet Union relies on a strategic threat that is primarily first-strike in nature. Currently the Soviet

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have nothing to fear from the United States on depressed trajectory technology.

Neither the U.S. Navy nor the U.S. Air Force has any intention or plans to develop such a capability.

Mr. Chairman, should the Soviets ignore this message and decide to develop a depressed trajectory capability, United States intelligence has the ability to detect such a program in sufficient time to adequately react to it.

I say to my colleague and friend the gentleman from Arizona [Mr. KYL] that I, too, share the concern of having all the amendments addressed on the floor of the House. However, this particular amendment does not harm U.S. security. If anything, it enhances our ability to send those signals to the Soviets not to move in this direction. U.S. intelligence has the capability through NTM and other means to adequately verify this.

Mr. Chairman, because of that, I believe that this amendment should be supported. I am also glad to see the gentleman from California [Mr. DORNAN] joining us on this amendment.

Mr. DICKINSON. Mr. Chairman, I yield myself 3 minutes to inquire of the Chairman of the Committee on Armed Services for 1 minute.

In order to come to some resolution on this, it is my very strong feeling, and I think it is the feeling of the gentleman from Wisconsin that the whole issue ought to be ventilated. We ought to have testimony. We ought to have hearings. I was wondering if in the event this amendment should not pass at the present time would the chairman be willing to set a hearing date and have witnesses to explore the subject matter of this amendment? This is a matter of first impression to us and I do not know that much about it.

I yield to the chairman.

Mr. ASPIN. If the gentleman would yield, I believe we are dealing with an unfamiliar issue. I also recognize that this amendment and the previous Markey amendment are not the first amendments that we have dealt with that we have not had proper hearings on.

Mr. DICKINSON. That is one of problems.

Mr. ASPIN. What I would propose that we do is that we do not withdraw this amendment. The gentleman from Iowa [Mr. NAGLE] has the opportunity to do that, but I would suggest that we go along and continue this debate and have a vote on it, and I plan to vote for the amendment. I believe the history of this amendment and the history of dealing with it in the Carter administration shows that it is a wise and prudent and important national security vote for the United States to vote for this amendment.

I will say to the gentleman from Alabama [Mr. DICKINSON] that I, too, am interested in getting to the bottom of this issue about whether we can or cannot verify it. I do not dismiss that

point lightly. In particular, I do not dismiss that point lightly because the staff member of the gentleman from Alabama, Mr. Ellis, is a man whom I have some respect for and his abilities, and he has raised some very important questions. I do believe we ought to look at that issue.

For myself, that is the first time I have heard of it. I do believe that the history of it is that it was proposed during the Carter administration and it was the view of the Central Intelligence Agency that we can in fact verify these kinds of things. But the gentleman from Alabama has raised some important questions.

Let me propose a way of dealing with it. I think we ought to go ahead with the amendment. I think that the amendment of the gentleman from Iowa [Mr. NAGLE] is a well thought out amendment. I think it is one that we ought to vote on today. We ought to debate it for the full 40 minutes, and vote on it today.

I think that it is important for the members of the Committee on Armed Services to do some hearings on this issue before we go into conference with the Senate on the issue and I would be interested in doing that.

Mr. DICKINSON. Mr. Chairman, reclaiming my time, just let me say that in viewing the same facts I would come down just 180 degrees different. If we do not know the answers, why vote on it in the affirmative in the first place? Let us find out the answers first, let us have the hearing first. It will not derail anything or stop the world if we do bring this up as a separate piece of legislation or in the next budget cycle. But to say that we should vote affirmatively on this and then find out the facts, I think that is ludicrous. That is not the normal way we do business. The normal way is we would have a hearing, we would ventilate the issue and we would hear both sides, then we would vote.

Mr. ASPIN. If the gentleman would yield further, I point out to the gentleman from Alabama that this is exactly what we did with the Hunter amendment on drugs just the other day when I was arguing that we ought to hold some hearings on it, and we could not do that. We said then that we would accept the amendment, try to clean it up in conference and do something with it.

This amendment is on a lot stronger grounds than the Hunter amendment. The point about this amendment is that this amendment has a lot of history behind it. The gentleman from Alabama and Members on that side of the aisle have raised some questions that I personally would like to get to the bottom of in terms of finding the answers myself, but I do not feel uncomfortable with this amendment going forward.

Mr. DICKINSON. Mr. Chairman, reclaiming my time, I believe we should get to the facts first and then vote.

Mr. ASPIN. Mr. Chairman, I yield myself 1 minute, and I yield to the gentleman from Arizona [Mr. KYL].

Mr. KYL. Mr. Chairman, I thank the gentleman from Wisconsin for yielding. The chairman said this had come up before, and the gentleman from Iowa [Mr. NAGLE] when he began said this had never been presented.

Has this amendment ever been presented, and has it been voted on before?

Mr. ASPIN. Mr. Chairman, reclaiming my time, it has come up in the following sense, that it was part of the Carter administration's arms control proposals in 1978. It has never come up before the Congress.

Mr. KYL. I thank the gentleman for that response.

Mr. ASPIN. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon [Mr. AUCOIN].

(Mr. AUCOIN asked and was given permission to revise and extend his remarks.)

Mr. AUCOIN. Mr. Chairman, we are near the end of the longest debate on any bill that we will face this year. But with the Nagle-Dornan amendment, we have an opportunity to demonstrate that we can all come together when a clear national security interest is involved. We can demonstrate that conservatives are not inherently hostile to arms control, and liberals are not inherently indifferent to national security.

The gentleman from California [Mr. DORNAN] hits the nail on the head when he points out that since the United States will never strike first, we have no use for depressed trajectories. This is also what the U.S. Navy and the U.S. Air Force say.

But we cannot be sure of the Russians. We need to keep first-strike technologies out of their hands.

If the Soviets get depressed trajectory missiles and decide to use them in a surprise attack, we can kiss our bomber force goodbye. And we can kiss our air-launched cruise missile force goodbye. The point is: Do you want to preserve our bomber capability or not?

The Soviets see the same thing in mirror image. Just as we're afraid of a Soviet first strike using future depressed trajectories, they're afraid of a United States first strike using future depressed trajectories. So they have every interest in joining the Nagle-Dornan provision.

We can give up something we don't want and can't use, and get a good shot at keeping the Russians from getting something we don't want them to have. Whether you're a dove or a hawk, that's an all-win proposition. With all sincerity, I say to my friends on both sides of the aisle:

Vote for the Nagle-Dornan amendment.

Mr. DICKINSON. Mr. Chairman, I yield 3 minutes to the gentleman from Arizona [Mr. KYL].

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Mr. KYL. Mr. Chairman, let me respond to a couple of points that have been made recently by my colleagues on the other side. First of all, I think it is telling that this amendment has never been presented to the House Committee on Armed Services or any other committee of the House of Representatives. It has never been voted on. We have never had an opportunity to discuss it with the members of our intelligence community on whom so much depends in this situation. It is absolutely putting the cart before the horse to ask our colleagues to vote for or against this amendment before we have even had an opportunity to hold hearings to answer these very serious questions. It is not a proper answer to say that we should vote first and then ask questions second. That is not fair to our colleagues.

Second, what is the rush? What is the rush? If we do not have any plans to test this next year, then this amendment does not do a thing with regard to our plans.

What about the Soviets? If they test under this amendment, we have the opportunity to test ourselves. So this amendment does not solve anything with respect to stopping the Soviets from testing and it does not have any applicability to our plans for the next year.

What is the rush? Why not hold hearings as the gentleman from Alabama [Mr. Dickinson] suggested and find out the answers to the questions and then decide and vote on the matter next year? That seems to make much more sense.

Finally, my colleague the gentleman from Iowa [Mr. Nagle] asked do we want to protect our bombers? Of course we want to protect our bombers. There are a lot of things we can do to protect our bombers short of this particular amendment, but how does this amendment help? This amendment says that the United States will not test a certain kind of weapon. How does that protect our bombers? If my colleague believes that because we here in the Congress pass this amendment, therefore the Soviets are not going to go forward with whatever testing and deployment of whatever program they want to use to hold our bombers in jeopardy, then I think the gentleman from Iowa gravely miscalculates how the Soviet Union operates.

In summary, No. 1, the amendment has never come before the Congress before and it is the kind of amendment that we should not ask our colleagues to vote upon until after we have had the opportunity to discuss it and debate it.

Second, what is the rush?

Third, there are other means of protecting our bombers that would work. This amendment would not work.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. KYL. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, I thank my friend from Arizona for yielding. It just seems to me wisdom, prudence, and common sense for us not to be unilaterally imposing on ourselves a bar on testing. Why do we have to always help the Soviets by telling them what we are not going to do, we are not going to test, we are not going to test but we are going to pass a law refusing us the right to test. These are matters that ought to be negotiated, not decided in the office of the gentleman from Iowa over in the Cannon Building even though it has been swept.

Mr. DICKINSON. Mr. Chairman, unless I have another speaker, I have heard enough about this and I yield back the balance of my time.

Mr. ASPIN. Mr. Chairman, I have two more speakers, and I yield 2 minutes to the gentleman from Missouri [Mr. Gephardt].

(Mr. GEPHARDT asked and was given permission to revise and extend his remarks.)

Mr. GEPHARDT. Mr. Chairman, I would like to engage in a colloquy with the gentleman from Oklahoma [Mr. McCurdy], a former member of the Permanent Select Committee on Intelligence and in my view one of the most knowledgeable Members of this body in intelligence matters and verification matters. The gentleman from Oklahoma has made a study of this whole area. I would like to ask the gentleman from Oklahoma if in his view this is a verifiable action if we were to take it?

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Mr. McCURDY. I would state as a former member of the Committee on Intelligence who spent 5 years on the committee and also ranking on Research and Development of Armed Services, that in my opinion this amendment is verifiable, and in discussions with members of the intelligence community they so agree.

Mr. GEPHARDT. It seems to me on the basis of that and on the basis of the fact of what the Reagan administration is trying to negotiate in the START Treaty that this is clearly verifiable. If what they are trying to do in the START Treaty is verifiable, then it seems obvious that is verifiable. The Carter administration offered it in a package back in 1978.

The gentleman from Arizona talks about what is the rush. I will tell you what the rush is: The rush is if the Russians believe this is an important weapon to have and they begin to test it, the horse is out of the barn, and every time in arms control, we are chasing after a weapon that is already being tested, trying to bring it back and stop it.

This is a chance to do it before it gets tested. I think it can succeed. Let us pass it now.

Mr. DICKINSON. Mr. Chairman, I yield back the balance of my time.

Mr. ASPIN. Mr. Chairman, I yield my remaining 1 minute to the gentleman

man from Iowa [Mr. Nagle], the author of the amendment.

Mr. NAGLE. Mr. Chairman, I did not have the opportunity during our discussions to inform the gentleman from Illinois who posed the question that the Reagan administration has also talked publicly as early as 1982 about proposing this to the Soviet Union. The significance of this is simply this: Neither side is doing it now. Why start? If the Soviets know that we are not going to test, they are not going to start the technology so that they can conduct tests.

Actually for the first time this puts this Congress ahead of the curve in terms of developing technology by halting the technological development and freezing the current terror at the current level. That is why it is bold, that is why it is new, that is why it is hard to accept, that is why it does the United States no harm and may do mankind a good deal of benefit.

The SPEAKER pro tempore. (Mr. Gray of Illinois). It is now in order to consider the amendment relating to depressed trajectory missiles printed in section 1 of House Report 100-590 offered by the gentleman from Iowa [Mr. Nagle], or his designee.

## AMENDMENT OFFERED BY MR. NAGLE

Mr. NAGLE. Mr. Chairman, pursuant to the rule, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

## Amendment offered by Mr. Nagle:

## SEC. 206. MORATORIUM ON FLIGHT TESTING OF DE-PRESSED TRAJECTORY BALLISTIC MISSILES.

(a) LIMITATION.—Except as provided under subsection (c), the Secretary of Defense may not during fiscal year 1989 carry out a flight test of a depressed trajectory ballistic missile.

(b) DCI REPORTS ON SOVIET TESTS.—The Director of Central Intelligence shall submit to Congress reports not later than October 1, 1988, not later than April 1, 1989, and not later than September 30, 1989, starting whether the Soviet Union has carried out, after the date of the passage by the House of Representatives of H.R. 4254 of the 100th Congress, a flight test of a depressed trajectory ballistic missile.

(c) REMOVAL OF LIMITATION.—If either of the first two reports under subsection (b) states the Soviet Union has carried out a flight test as described in that subsection, the limitation under subsection (a) shall cease to apply upon the receipt of the report by Congress.

(d) DEFINITION.—For purposes of subsection (a), a flight test of a depressed trajectory ballistic missile is a flight test of a ballistic missile on a trajectory which would result in a launch-to-impact time-for-distance of—

- (1) for trajectories between 300 and 500 nautical miles: four minutes or less; or
- (2) for trajectories between 500 and 1500 nautical miles: twelve minutes or less; or
- (3) for trajectories longer than 1500 nautical miles: less than the number of minutes calculated by

.015(.323R+316)

where R is range in nautical miles.

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The CHAIRMAN pro tempore. Pursuant to the order of the House of Thursday, May 5, 1988, the gentleman from Iowa [Mr. NAGLE] will be recognized for 5 minutes and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentleman from Iowa [Mr. NAGLE].

Mr. NAGLE. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. DOWNEY].

Mr. DOWNEY of New York. Mr. Chairman, I just want to congratulate the gentleman from Iowa [Mr. NAGLE] and the gentleman from California [Mr. DORNAN] for offering this amendment.

As the gentleman from California [Mr. DORNAN] pointed out to the membership, there is a certain synergism in the triad that enhances all legs of our national security. The fact is that depressed trajectories, whether they are in the hands of the United States or of the Soviet Union, are disasters for the air-breathing leg of the triad. If the Soviet Union or if we should have it, both sides will be less secure as a result of this new technological breakthrough.

Let me make the point that the Navy, and this was not from the brow of Zeus, but the Navy has provided us the technical details as to what constitutes a depressed trajectory. The gentleman from Oklahoma [Mr. McCURDY] has pointed out that there is uniformity of belief in the technical areas of the national security apparatus that there is widespread agreement that this is verifiable. We will be able to determine if the Soviets are testing or if we are; they can determine whether or not there is any breach of this agreement.

Third, it is not unilateral. It holds out the incentive for the Soviet Union to follow us.

The Soviets have made a big deal about the fact that they themselves are not interested in waging a first strike. By offering this amendment, by offering this incentive, we can put them to the further test of their word as to whether or not they are truly interested in forswearing the capability of waging a first strike against the United States. This is an important amendment.

Questions have been raised, "Well, why not wait?" Why bother to wait? If we recognize that this is inimical to our security and the Soviets to theirs, the time to act is now. The time to stop this dangerous development is not when we provide the R&D money when we are on the threshold of testing. It is before it has developed into any form of requirement by either the Navy or the Air Force. It is timely. It is appropriate. It is not unilateral. It preserves the very elements of the triad that we need to have preserved.

I congratulate the gentleman for offering this amendment.

The SPEAKER pro tempore. The gentleman from Alabama [Mr. DICK-

INSON] is recognized for 5 minutes in opposition to the amendment.

Mr. DICKINSON. Mr. Chairman, I yield myself 1 minute.

In my 1 minute prior to yielding to the gentleman from California, just let me say, Mr. Chairman, it has been pointed out, and I think very forcefully, we have not had hearings. We do not know the efficacy of what is being proposed here. We are not sure what is verifiable. We should get this testimony in classified hearings. We have not done any of these things, and to ask us to legislate in the blind on faith, betting on what somebody told somebody on the telephone on the other side, that is a terrible way to legislate. There is no reason to do it at the present time.

I would hope that we would turn it down and let the committee take it up in due process and in the committee procedure as we always do.

Mr. Chairman, I yield the balance of my time to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, again, I want to commend the offerors of the amendment for bringing this issue up, because I think it is an important issue.

I think, once again, the key here is deterrence. Does this add to nuclear deterrence? The argument has been made that because you are keeping the flight times of submarine-launched ballistic missiles and other missiles at a fairly long period of time, we are going to have more American bombers that are able to escape, and because of that, the American deterrent strategic force will survive and, therefore, the Soviets will be less inclined to launch a surprise nuclear attack on the United States.

The point is that you have several elements that have not been proven to the satisfaction of this committee, at least most of the Members, and I am sure to the satisfaction of the full House and I think that the position of the other side with regard to the verifiability of this was well stated when the gentleman from Oklahoma [Mr. McCURDY] got up and said that it was his opinion that intelligence experts feel that there is verifiability. That is not an absolute statement. The chairman has pointed out that Mr. Ellis, who is a respected staff member on the Committee on Armed Services, bipartisan staff, feels verifiability is not present. We do have a question.

The gentleman from Missouri [Mr. GEPHARDT] got up and sought to paraphrase the statement of the gentleman from Oklahoma [Mr. McCURDY] in a way that would convey to us that there is a certainty that there is verifiability. That is not certain. The chairman himself said that he is concerned about this issue, and we should look at that issue.

With regard to the Hunter amendment that came up the other day, that did not come up in committee, I can say that there is a difference between

that amendment and this one simply because the chairman himself said to this gentleman, "Offer that one on the House floor," which I did.

I think in this case where verifiability is the absolute nub of this issue and the House has found itself in the past, for example, the Asat ban, having to retract its position because it made a vote that looked like an easy vote, looked like an arms control vote that did not endanger the Nation, we found out later that, in fact, our Asat ban did endanger the men and women of the U.S. Navy, and we had to change votes, that it is not wise at this time to establish a precedent when we have not laid to rest the question of verifiability.

I would be happy to see this information coming out from our intelligence people. Let us have that issue not only debated but also let us ask whether the situation has not changed since the Carter administration. Are there certain elements of the Soviet military command and elements of the Soviet war machine that require a fast flight time? Has the mobility of their SS-24's and SS-25's mandated that we have systems that have a short flight time? Should we balance those two off with the presumed mobility of our MX mobile systems and Midgetman? Where is the balance?

We have a lot of very deep questions here that have to be asked and answered. It is an important amendment and, again, I want to say that the gentleman from California [Mr. DORNAN] is a thoughtful Member of this House, and the gentleman from Iowa [Mr. NAGLE], also. They have raised very important issues, but we have not had the technical advice that is necessary for this House to make a decision spur of the moment when we are in the full committee.

I would ask Members on both sides of the aisle to not follow their tendencies or their gut reaction here. Wait until they get some hard information and they have satisfied themselves individually that this type of a ban could be mutually verifiable.

□ 1535

Mr. NAGLE. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon [Mr. AU COIN].

(Mr. AU COIN asked and was given permission to revise and extend his remarks.)

Mr. AU COIN. Mr. Chairman, at the bottom line, the issue is the survivability of the U.S. strategic bomber force.

America is spending more than \$100 billion to buy and operate the B-1 and B-2 bombers. A substantial amount of this is already spent.

But beyond the dollar aspect is the fact that manned bombers, and the cruise missiles they carry, provide a major element of the U.S. nuclear deterrent.

If the Soviets test and deploy depressed trajectory ballistic missiles,



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America will lose that deterrent. If we test and deploy them, we'll gain no capability we will ever use—because we're not a first strike nation.

Are any of the procedural objections which have been raised today so significant that they warrant jeopardizing the American bomber deterrent? With all due respect to those who have made them, it's clear that national security and the bomber deterrent are more important. That's why this amendment deserves a "yes" vote.

Mr. NAGLE. Mr. Chairman, I yield my remaining 1 minute to the distinguished gentleman from California [Mr. DORNAN] to close debate.

Mr. DORNAN of California. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I am very sensitive to the statements on my side of the aisle about hearings, but neither the distinguished principal author of the amendment nor myself is aware of the inner workings of this most important committee here on Capitol Hill, and I look forward, if this does not survive conference, to everybody keeping their promises of having good, in-depth hearings on this issue.

I just want to make one final point that I know to be a fact because of the nature of our country, its citizenry, our executive branch and this Congress, and that is that we have no plans, none whatsoever, to develop a sneak attack, severely depressed trajectory weapon. And since we have no desire, inclination or plans to do this, we simply have an opportunity here to slam the door on the Soviet Union.

I believe it is verifiable. If they were to try and get around something like this, then that means they were so passionately committed to it they would have done it without benefit of this restricting amendment, and then we have got them in an egregious violation of yet another agreement that we both would have agreed to.

So take advantage of this golden opportunity.

The CHAIRMAN pro tempore (Mr. GRAY of Illinois). The question is on the amendment offered by the gentleman from Iowa [Mr. NAGLE].

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

## RECORDED VOTE

Mr. DICKINSON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 262, noes 160, not voting 9, as follows:

[Roll No. 125]

## AYES—262

Ackerman	AuCoin	Bonior
Akaka	Barnard	Bonker
Alexander	Bates	Borski
Anderson	Beilenson	Bosco
Andrews	Bennett	Boucher
Annuzio	Berman	Boxer
Anthony	Bevill	Brennan
Applegate	Boehlert	Brooks
Aspin	Boggs	Brown (CA)
Atkins	Boland	Bruce

Bryant	Hamilton	Patterson
Bustamante	Harris	Pease
Byron	Hastert	Pelosi
Campbell	Hatcher	Penny
Cardin	Hawkins	Pepper
Carper	Hayes (IL)	Perkins
Carr	Hayes (LA)	Pickett
Chapman	Hefley	Pickle
Clarke	Hefner	Price
Clay	Hertel	Rahall
Clement	Hochbrueckner	Rangel
Clinger	Horton	Ray
Coelho	Hoyer	Regula
Coleman (TX)	Hughes	Richardson
Collins	Jacobs	Ridge
Conte	Jeffords	Rodino
Conyers	Jenkins	Roe
Cooper	Johnson (CT)	Rose
Coughlin	Johnson (SD)	Rostenkowski
Coyne	Jones (NC)	Roth
Crockett	Jones (TN)	Rowland (GA)
Darden	Jontz	Roybal
de la Garza	Kanjorski	Russo
DeFazio	Kaptur	Sabo
Dellums	Kastenmeier	Salki
Derrick	Kennedy	Savage
Dicks	Kennelly	Sawyer
Dingell	Kildee	Schaefer
DioGuardi	Kleczka	Scheuer
Dixon	Kolter	Schneider
Donnelly	Kostmayer	Schroeder
Dorgan (ND)	LaFalce	Schumer
Dornan (CA)	Lancaster	Sharp
Dowdy	Lantos	Shays
Downey	Leach (IA)	Sikorski
Durbin	Leath (TX)	Sisisky
Dwyer	Lehman (CA)	Skaggs
Dymally	Lehman (FL)	Slattery
Dyson	Leland	Slaughter (NY)
Early	Levin (MI)	Smith (FL)
Eckart	Levine (CA)	Smith (IA)
Edwards (CA)	Lewis (GA)	Snowe
English	Lipinski	Solarz
Erdreich	Lowry (WA)	Spratt
Espy	Luken, Thomas	St Germain
Evans	MacKay	Staggers
Fascell	Manton	Stallings
Fawell	Markey	Stark
Fazio	Martinez	Stokes
Feighan	Matsui	Studds
Fish	Mavroules	Swift
Flippo	Mazzoli	Synar
Florio	McCloskey	Tauke
Foglietta	McCurdy	Thomas (GA)
Foley	McDade	Torres
Ford (MI)	McHugh	Torrice
Ford (TN)	McMillen (MD)	Towns
Frank	Mfume	Trafficant
Frost	Miller (CA)	Traxler
Garcia	Mineta	Upton
Gaydos	Moakley	Vander Jagt
Gejdenson	Moody	Vento
Gephardt	Morella	Visclosky
Gibbons	Morrison (CT)	Volkmer
Gilman	Mrazek	Walgren
Glickman	Murphy	Walker
Gonzalez	Nagle	Watkins
Goodling	Natcher	Waxman
Gordon	Neal	Weiss
Gradison	Nichols	Weldon
Grandy	Nowak	Wheat
Grant	Oakar	Wilson
Gray (IL)	Oberstar	Wise
Gray (PA)	Obey	Wolpe
Green	Ortiz	Wyden
Guarini	Owens (NY)	Yatron
Gunderson	Owens (UT)	
Hall (OH)	Panetta	

## NOES—160

Archer	Callahan	Emerson
Arney	Chandler	Fields
Badham	Chappell	Frenzel
Baker	Cheney	Galleghy
Ballenger	Coats	Gallo
Bartlett	Coble	Gekas
Barton	Coleman (MO)	Gingrich
Bateman	Combust	Gregg
Bentley	Courter	Hall (TX)
Bereuter	Craig	Hammerschmidt
Billbray	Crane	Hansen
Billrakis	Dannemeyer	Henry
Billiey	Davis (IL)	Herger
Boulter	Davis (MI)	Hiler
Broomfield	DeLay	Holloway
Brown (CO)	DeWine	Hopkins
Buechner	Dickinson	Houghton
Bunning	Dreier	Hubbard
Burton	Edwards (OK)	Huckaby

Hunter	Miller (WA)	Skelton
Hutto	Molinar	Slaughter (VA)
Hyde	Mollohan	Smith (NE)
Inhofe	Montgomery	Smith (NJ)
Ireland	Moorhead	Smith (TX)
Kasich	Morrison (WA)	Smith, Denny
Kemp	Murtha	(OR)
Kolbe	Myers	Smith, Robert
Konnyu	Nelson	(NH)
Kyl	Nielson	Smith, Robert
Lagomarsino	Olin	(OR)
Latta	Oxley	Solomon
Lent	Packard	Stangeland
Lewis (CA)	Parris	Stenholm
Lewis (FL)	Pashayan	Stratton
Lightfoot	Petri	Stump
Livingston	Porter	Sundquist
Lloyd	Pursell	Sweeney
Lott	Quillen	Swindall
Lowery (CA)	Ravenel	Tallon
Lujan	Rhodes	Tauzin
Lukens, Donald	Rinaldo	Taylor
Lungren	Ritter	Thomas (CA)
Madigan	Roberts	Udall
Marlenee	Robinson	Valentine
Martin (IL)	Rogers	Vucanovich
Martin (NY)	Roukema	Weber
McCandless	Rowland (CT)	Whittaker
McCollum	Saxton	Whitten
McCrery	Schuetz	Wolf
McEwen	Schulze	Wortley
McGrath	Sensenbrenner	Wylie
McMillan (NC)	Shaw	Young (AK)
Meyers	Shumway	Young (FL)
Michel	Shuster	
Miller (OH)	Skeen	

## NOT VOTING—9

Biaggi	Flake	Spence
Daub	Mack	Williams
Duncan	Mica	Yates

□ 1559

Mr. BROWN of Colorado and Mr. STRATTON changed their votes from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. ASPIN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentleman from Texas [Mr. ORTIZ].

(Mr. ORTIZ asked and was given permission to revise and extend his remarks.)

Mr. ORTIZ. Mr. Chairman, I would like to commend the chairman of the committee, the gentleman from Wisconsin [Mr. ASPIN], the gentleman from Alabama [Mr. DICKINSON], and members of the staff for the outstanding work that they have done in introducing this bill and request that we pass this legislation.

Mr. Chairman, I rise in support of H.R. 4264, a bill that amends the National Defense Authorization Act for fiscal years 1988 and 1989, and authorizes appropriations for the amended budget request of the Defense Department for fiscal year 1989 in the amount of \$299.5 billion. I commend and thank both the distinguished chairman of the Committee on Armed Services from Wisconsin and the distinguished minority leader from Alabama for their leadership in bringing this bill to the floor and during its debate before the House. In reporting this bill, the committee has stayed within the defense spending ceiling agreed upon during the November 1987 budget summit meetings.

Each of us gathered here recognize the powers and duties of the Congress in relation to national defense matters stemming from article I, section 8, of our Constitution, which in part, provides Congress the power to:

Raise and support armies;